THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 10928 of 2005

Dated: 24.10.2005

Between:

B. Prabhu @ B.Prabkhar, H.No.6-6-44, Tandur, Ranga Reddy District. A.P. State.

..... PETITIONER

AND

1.The Secretary Bar Council, High Court Bldgs, Hyderabad and others.

..RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 10928 of 2005

ORDER: (Per the Hon'ble Smt Justice T.Meena Kumari)

This is a taken up writ petition on the telegram sent by one Mr.B.Prabhu @ B.Prabhaakar, seeking to call for the records and remarks from the respondents relating to infringement of legal right of the petitioner by the Junior Civil Judge, Tandur, R.R.District, who is restricting the petitioner from entering into the Court Hall since three months and from allowing him to represent the

cases and to direct the learned Junior Civil Judge, to allow him to enter the Court hall and to pursue his cases.

The 1st respondent filed counter affidavit. It is stated that the petitioner was enrolled as an advocate with the Bar Council at Bangalore, Karnataka State. The petitioner has not applied to the Bar Council of Andhra Pradesh for transfer of his name to the roll of the State Bar Council. Hence, necessary action can be taken against the petitioner under Section 35 of the Advocates Act.

In pursuance of the directions issued by a Division Bench of this Court on 14.9.2005, a report has been called for from the Junior Civil Judge, Tandur. Accordingly, Mr.B.Suresh, the learned Junior Civil Judge, Tandur, who is presently working as III Additional Senior Civil Judge (F.T.C) Warangal, has submitted a report.

It is stated in the report that the petitioner is carrying on money lending business without license at exorbitant rate of interest and used to threaten the people with dire consequences on their failure to pay the said interest. It is further stated that when his case is being called, he used to make himself absent, even though he is present in the Court premises and thereafter, after passing of the order, he used to come to the Court and argue that he was not given an opportunity to represent the case. It is further seen from the report that due to this attitude of the petitioner, he was advised to get his enrolment transferred from Karnataka State Bar Council to the Bar Council of Andhra Pradesh. But, he kept quite till the Presiding Officer received his orders of Transfer and thereafter, filed the present petition.

The learned counsel appearing on behalf of the 1st respondent has contended that as per Section 18 of the Advocate Act, 1961 permission is required for shifting of the practice.

In this case, the petitioner got himself enrolled in the State of Karnataka Bar, Karnataka. The entire report of the Presiding Officer goes to show as to the attitude of the petitioner with regard to the other avocations, which are beyond the purview of the Court and that has prompted the Presiding Officer in treating the petitioner otherwise. It also further goes to show that as if the Presiding Officer advised the petitioner to shift his enrollment from the Bar Council of

Karnataka Bar to that of Andhra Pradesh. Though section 35 of the Advocates Act stipulates the condition as to the transfer of the name of an advocate to the State Bar Council within whose jurisdiction he is ordinarily practicing within six months, the attitude of the presiding Officer is very peculiar in the absence of any restriction prohibiting an advocate to practice at the place other than the purview of the Bar Council of a State. From the report, it appears that the Presiding Officer has concentrated on the other avocations of the petitioner to treat him otherwise.

In this view of the matter, We feel it appropriate to direct the Registry to place the matter before the Honourable The Chief Justice with regard to the attitude of Mr.B.Suresh, the then Junior Civil Judge, Thandur, R.R. District and now working as the III Additional Senior Civil Judge, Warangal.

Accordingly, this writ petition is disposed of.

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JUSTICE T.MEENA KUMARI

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JUSTICE K.C.BHANU

24.10.2005

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